

**DECLARATION OF
YITZCHOK LEBOVITS
(EXHIBIT 3)**

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

YITZCHOK LEBOVITS and
CHANA SHAPIRO-LEBOVITS, on
their own behalf and on behalf of their
daughters E.L., a minor, and A.L., a
minor; and
BAIS YAAKOV ATERES MIRIAM, a
New York religious corporation,

Plaintiffs,

v.

ANDREW M. CUOMO, individually
and in his official capacity as Governor
of the State of New York;
BILL DE BLASIO, individually and in
his official capacity as Mayor of the
City of New York;
LETITIA JAMES, in her official
capacity as Attorney General of the
State of New York;
HOWARD A. ZUCKER, in his official
capacity as Commissioner of the New
York State Department of Health;
CITY OF NEW YORK; and
NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE,

Civil No. 1:20-cv-01284-GLS-DJS
Hon. Gary L. Sharpe

**DECLARATION OF
YITZCHOK LEBOVITS**

I, Yitzchok Lebovits, declare:

1. I am a resident of Inwood, New York. I am over 18 years of age and I make this declaration based on my personal knowledge.
2. I graduated from an Undergraduate program at Touro College, Brooklyn N.Y. in January 2011 and received a Bachelors in Science in Communications. I

then attended a two years Masters program for Speech and Language Pathology at Touro College Brooklyn, N.Y. where I graduated in June 2013.

3. I am an Orthodox Jew. My paternal grandparents emigrated to the United States in 1948 to escape persecution from Germany at the hands of the Nazis and to have freedom to practice Judaism. They suffered in Concentration camps during World World II and wanted to start a new life in America with Jewish liberty and freedom.
4. My wife Chana and I were married in 2011.
5. Two of our minor daughters are students at Bais Yaakov Ateres Miriam (“BYAM”), which is a school for Orthodox Jewish girls.
6. We selected BYAM for our daughters because we wanted to ensure that they had the foundation they needed to continue to learn about their faith throughout their life, as Orthodox Judaism requires.
7. In particular, we want them to be able to learn to speak and write Hebrew, which is extremely important to the practice of their faith. They can learn Hebrew much better at school than we could teach them ourselves at home.
8. In our Jewish tradition, the religious instruction of children is an obligation of the highest order. It is particularly important for us that our daughters receive an Orthodox Jewish education so that they understand and maintain their Jewish identity.
9. BYAM provides this education by, for example, inculcating mitzvot (Jewish religious obligations) and middot (positive character traits) into the daily

activities of students so that the girls will grow into young women faithful to their tradition.

10. Since they have been at BYAM, we have seen our daughters grow in their Orthodox Jewish faith. BYAM uses songs and dances to teach our daughters Hebrew prayers that are essential to the practice of our Orthodox Jewish faith. BYAM uses music and dance in ways that bring prayer to life for the children. These prayers, some of which must be performed in a group setting, cannot be taught as effectively at home.
11. As a result of the shutdown of BYAM, our daughters have lost precious time learning, praying, singing, and growing in their Jewish faith with their peers.
12. Depriving our daughters of the ability to attend school in person at BYAM harms them and interferes with their ability to learn our Jewish faith and traditions.
13. We are worried about the harm our daughters are suffering as they are deprived of their school. They cannot learn their faith as well, they cannot learn secular subjects as well, and they cannot grow and develop as well confined to their home rather than at school with their peers.
14. We are not worried about sending our children back to in-person school at BYAM, because we know that BYAM has been successfully and safely following COVID protocols to ensure a safe environment for our daughters and the other students.

15. BYAM is a safe place for our daughters and it should not be taken away from them.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: October 18, 2020

Respectfully submitted,

s/ Yitzchok Lebovits

Yitzchok Lebovits